

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

EDEN ROGERS, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Case No. 6:19-cv-1567 (TMC)

FEDERAL DEFENDANTS' NOTICE IN RE MOTION FOR PROTECTIVE ORDER

Currently pending before the Court is Federal Defendants' motion for protective order, which asks the Court to enter a protective order ensuring that discovery in this case, if any, occurs only after production of the administrative record for the agency action challenged and in accord with principles of the Administrative Procedure Act. *See* ECF No. 102. In the motion, Federal Defendants stated that they anticipated serving the administrative record for the January 2019 conditional exception at issue in this lawsuit by today, August 13, 2020.

Federal Defendants make this submission to notify the Court that, although they have been diligently working to assemble and certify the record, they have been unable to complete this process yet and are still engaged in the review of voluminous documents to ensure a complete and accurate record. In the interest of maintaining consistency with their prior projected production date, Federal Defendants will today issue an interim production to Plaintiffs containing copies of certain documents that they anticipate will ultimately be a part of the administrative record. Federal Defendants now anticipate producing a complete record with a corresponding certification of completeness from the agency within 30 days, by September 14, 2020.

Dated: August 13, 2020

Respectfully submitted,

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*Admitted *pro hac vice*

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